

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

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|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:08CR50 |
| |) | |
| vs. |) | FINAL ORDER OF |
| |) | FORFEITURE |
| |) | |
| THOMAS GELLATLY, |) | |
| |) | |
| Defendant. |) | |

NOW ON THIS 2nd day of December, 2008, this matter comes on before the Court upon the United States' Motion for Final Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, find as follows:

1. On August 22, 2008, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 18, United States Code, Sections 2253 and 2252(A)(a)(2), based upon the Defendant's plea of guilty to Counts I and II of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the Defendant's interest in a custom desktop computer bearing service number 4480 and containing a Maxtor hard drive bearing serial number V60ETKYC, and digital files and file remnants containing or depicting child pornography or visual depictions of minors engaged in sexually explicit conduct, were forfeited to the United States.

2. Notice of Criminal Forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least thirty consecutive days, beginning on September 26, 2008, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. A Declaration of Publication was filed herein on December 1, 2008 (Filing No. [41](#)).

3. The Court has been advised by the United States no Petitions have been filed. From a review of the Court file, the Court finds no Petitions have been filed.

4. The Plaintiff's Motion for Final Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Plaintiff's Motion for Final Order of Forfeiture is hereby sustained.

B. All right, title and interest in and to the custom desktop computer bearing service number 4480 and containing a Maxtor hard drive bearing serial number V60ETKYC, and digital files and file remnants containing or depicting child pornography or visual depictions of minors engaged in sexually explicit conduct, held by any person or entity, is hereby forever barred and foreclosed.

C. The custom desktop computer bearing service number 4480 and containing a Maxtor hard drive bearing serial number V60ETKYC, and digital files and file remnants containing or depicting child pornography or visual depictions of minors engaged in sexually explicit conduct, be, and the same hereby are, forfeited to the United States of America .

D. The United States Bureau of Immigration and Customs Enforcement for the District of Nebraska is directed to dispose of said properties in accordance with law.

DATED this 2nd day of December, 2008

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON, CHIEF JUDGE
United States District Court